

### MOTIONS

1. **To Set Public Hearings for the Council Meeting of Thursday, January 14, 2016 for:**  
It was moved by Councillor Madoff, seconded by Councillor Coleman, that the following Public Hearings be held in Council Chambers, City Hall, on **THURSDAY, JANUARY 14, 2016, at 7 p.m.:**
  3. Development Permit with Variances Application No. 000447 for 941 – 943 Fort Street

**Carried Unanimously**

## REPORTS OF THE COMMITTEE

### **3. Planning and Land Use Committee – November 26, 2015**

#### **3. Development Permit with Variances Application No. 000447 for 941-943 Fort Street**

It was moved by Councillor Coleman, seconded by Councillor Lucas, that after giving a notice and allowing an opportunity for public comment at a meeting of Council, that Council consider the following motion:

"That Council authorize the issuance of Development Permit Application with Variances No. 000447 for 941 to 943 Fort Street, in accordance with:

1. Plans date stamped October 30, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - a. Part 6.55 1.(2): Allowing office use to locate within 6m of the building street frontage.
  - b. Schedule C Section 16.C.5: Reduction of one parking stall for the change of use from retail to office.
3. Registration of a Section 219 Covenant restricting office use on the ground floor to a maximum of three years, to the satisfaction of City staff.
4. The Development Permit lapsing two years from the date of this resolution."

**Carried Unanimously**

#### 4. DEVELOPMENT APPLICATION REPORTS

##### 4.1 Development Permit with Variances Application No. 000447 for 941-943 Fort Street

Committee received a report regarding an application for 941-943 Fort Street. The proposal is to change the use from retail to office on the ground floor.

**Action:**

It was moved by Councillor Young, seconded by Councillor Lucas, that Committee recommends that Council, after giving notice and allowing an opportunity for public comment at a meeting of Council, that Council consider the following motion:

"That Council authorize the issuance of Development Permit Application with Variances No. 000447 for 941 to 943 Fort Street in accordance with:

1. Plans date stamped October 30, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirement, except for the following variances:
  - a. Part 6.55 1.(2): Allowing office use to locate within 6m of the building street frontage.
  - b. Schedule C Section 16.C.5: Reduction of 1 parking stall for the change of use from retail to office.
3. Registration of a Section 219 Covenant restricting office use on the ground floor to a maximum of three years, to the satisfaction of City staff.
4. The Development Permit lapsing two years from the date of this resolution."

CARRIED UNANIMOUSLY 15/PLUC311



## Planning and Land Use Committee Report

For the Meeting of December 10, 2015

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**To:** Planning and Land Use Committee                      **Date:** November 26, 2015

**From:** Jonathan Tinney, Director, Sustainable Planning and Community Development

**Subject:** Development Permit with Variances Application No. 000447 for 941–943 Fort Street

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### RECOMMENDATION

Staff recommend that Committee forward this report to Council and that after giving notice and allowing an opportunity for public comment at a meeting of Council, that Council consider the following motion:

"That Council authorize the issuance of Development Permit Application with Variances No. 000447 for 941 to 943 Fort Street in accordance with:

1. Plans date stamped October 30, 2015.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - a. Part 6.55 1.(2) allowing office use to locate within 6m of the building street frontage
  - b. Schedule C Section 16.C.5 - reduction of 1 parking stall for the change of use from retail to office.
3. Registration of a Section 219 Covenant restricting office use on the ground floor to a maximum of three years, to the satisfaction of City staff.
4. The Development Permit lapsing two years from the date of this resolution."

### LEGISLATIVE AUTHORITY

In accordance with Section 920(2) of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Official Community Plan*. A Development Permit may vary or supplement the *Zoning Regulation Bylaw* but may not vary the use or density of the land from that specified in the bylaw.

Pursuant to Section 920(8) of the *Local Government Act*, where the purpose of the designation is the revitalization of an area in which a commercial use is permitted, a Development Permit may include requirements respecting the character of the development, including landscaping, and the siting, form, exterior design and finish of buildings and other structures.



## EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit Application for the property located at 941 to 943 Fort Street. The proposal is to change the use from retail to office on the ground floor.

The following points were considered in assessing this application:

- the proposed building is subject to regulation under Development Permit Area 7B (HC) and is consistent with the applicable Design Guidelines in the *Official Community Plan* (OCP) and the *Downtown Core Area Plan* (DCAP)
- a variance is required to allow office use to locate within six meters of the building frontage
- office use will be limited to a maximum of three years and will be secured through a Section 219 Covenant
- the site is located Downtown and is within close proximity to walking, cycling and public transit facilities so the effect of the parking variance will be minimal.

## BACKGROUND

### Description of Proposal

The proposal is for the retention and renovation of an existing retail space into offices. Specific details include:

- provision of privacy film to the storefront windows consisting of a high-resolution image of the former Neon Products building that previously occupied the site
- existing retail access directly off of Fort Street will be secured and primary access will be gained via the lobby at 947 Fort Street.

The proposed variances are related to:

- allowing the siting of offices to be within six meters of a building frontage
- a reduction in the required parking from 50 to 49 stalls to facilitate the change in use to office.

### Sustainability Features

The applicant has not identified any sustainability features associated with this proposal.

### Active Transportation Impacts

The applicant has not identified any active transportation impacts associated with this application. However, the building contains 12 publicly accessible bike racks on Fort Street and 14 secure bike lockers located in the underground parkade.

### Public Realm Improvements

No public realm improvements are proposed in association with this Development Permit Application.

## Existing Site Development and Development Potential

The site is presently occupied by retail units on the ground floor and office uses above. Three residential units are located at street level fronting Meares Street.

### Data Table

The following data table compares the proposal with the existing CA-58, Harris Green (947 Fort Street) District Zone. An asterisk (\*) is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposal	Zone Standard CA-58
Site area (m <sup>2</sup> ) - minimum	1,272	1,200.00
Density (Floor Space Ratio) – maximum	3.54:1	3.55:1
Total floor area (m <sup>2</sup> ) - maximum	4509.00	4515.6
Height (m) - maximum	20.10	20.50
Storeys – maximum	7.00	7.00
Parking Existing Use - minimum	49	49
Parking Proposed Use - minimum	49*	50
Bicycle storage (Class 1) – minimum	14 (existing)	N/A
Bicycle rack (Class 2) – minimum	12 (existing)	N/A

### Relevant History

A parking variance for 15 stalls was approved on May 14, 2009, at the time of the original Development Permit Application for the building. The applicant proposed secure bike storage within the building (14 stalls) and publicly accessible bike racks for 16 bikes at the lobby entrance along Fort Street. These facilities are in existence today.

### Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on November 13, 2015, the Application was referred for a 30-day comment period to the Downtown Residents Association CALUC. At the time of writing this report, a letter from the CALUC had not been received.

This Application proposes variances, therefore, in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a meeting of Council to consider the variances.



## **ANALYSIS**

### **Development Permit Area and Design Guidelines**

The *Official Community Plan 2012* (OCP) identifies this property in Development Permit Area 7B (HC) Corridors. The objectives of this designation are to revitalize Fort Street and to strengthen commercial viability while improving the pedestrian experience at the street level. The proposal will not have a positive effect on the street frontage along Fort Street through the removal of active uses along the ground floor. However, as the change of use to office will be temporary in nature and will be secured through a Section 219 Covenant, restricting the time period to a maximum of three years, staff recommend for Council's consideration that this be approved.

### **Downtown Core Area Plan**

With respect to local area plans, the *Downtown Core Area Plan, 2011* (DCAP) applies to the subject site. Within the DCAP, the subject property is identified in the Residential Mixed Use District which encourages multi-residential development appropriate to the context that respects the allowable building heights in the neighbourhood. Active commercial street-level uses are encouraged to help increase pedestrian activity.

The DCAP provides both broad urban design objectives for the Downtown Core and more detailed design guidelines for specific districts. The DCAP also includes policies related to the design of buildings including built form and setbacks. Overall, the proposal is consistent with these policies as it helps to achieve the broad objectives related to community vitality by strengthening the employment base by providing suitable office space. However, the Application is not consistent with the Guidelines as it relates to active street-level uses, which is of particular importance along Fort Street (policy 3.17). Due to the nature of the tenant that would occupy the space, the applicant proposes to include a privacy film to the storefront windows consisting of a high-resolution image of the former Neon Products building that previously occupied the site. This design solution was prepared in consultation with the Downtown Victoria Business Association. As this does provide some visual interest at the pedestrian level and is for a temporary period, staff recommend for Council's consideration that this deviation from the Guidelines is supportable.

### **Advisory Design Guidelines for Buildings Signs and Awnings (1981)**

These Guidelines state that an acceptable application will include consideration of an attractive streetscape and that the architecture and landscaping of the immediate area be identified and acknowledged. In evaluating a design, particular emphasis will be placed on the solution to these general aspects: comprehensive design approach, relevancy of expression, context, pedestrian access, massing, scale, roofline, detailing, street relationship, vistas, landscaping plan, colours and textures. The Application is consistent with these Guidelines and includes visual references to the building that previously occupied the site.

### **Regulatory Considerations**

The current CA-58, Harris Green (947 Fort Street) District Zone prevents office and financial institutional uses from locating within six meters of the building frontage. The intent of this regulation is to ensure an active street at the ground level. Given the temporary nature of the office use, and the provision of alternative screening along the street level as mentioned earlier

in this report, staff recommend for Council's consideration that the proposed variance be approved.

### **Proposed Parking Variance**

A Transportation Demand Management study was not considered necessary for this parking variance due to the fact that the variance request is minor in nature, no additional floor space will be added as part of the proposal and the building is located downtown within close proximity to transit facilities. It is anticipated that the majority of staff will use alternative modes of travel to the proposed office. Bicycle parking requirements under Schedule C of the *Zoning Regulation Bylaw* are not applicable in this case, as the proposal is not a newly constructed building, although bicycle racks do currently exist within the building. In addition, the surrounding on-street parking is metered, and will not affect residential parking. Staff therefore recommend for Council's consideration that the proposed parking variance be approved.

### **CONCLUSIONS**

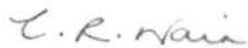
Due to the minor nature of the proposed variances, and given that the proposal is time limited, the impact on surrounding properties is expected to be minimal. The applicant is proposing high-resolution images along the street frontage that will provide some visual interest at the pedestrian level, while meeting the office space requirements of the proposed tenant.

Staff have reviewed the proposal and for the reasons noted above, staff recommend for Council's consideration that the application be approved.

### **ALTERNATE MOTION**

That Council decline Development Permit with Variances Application No. 000447 for the property located at 941 to 943 Fort Street.

Respectfully submitted,



Charlotte Wain  
Senior Planner – Urban Design  
Development Services Division



Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department



Report accepted and recommended by the City Manager:



Date: December 3, 2015



in this report, staff recommend for Council's consideration that the proposed variance be approved.

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### **CONCLUSIONS**

Due to the minor nature of the proposed variances, and given that the proposal is time limited, the impact on surrounding properties is expected to be minimal. The applicant is proposing high-resolution images along the street frontage that will provide some visual interest at the pedestrian level, while meeting the office space requirements of the proposed tenant.

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Respectfully submitted,



Charlotte Wain  
Senior Planner – Urban Design  
Development Services Division



Jonathan Timney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:

Date: \_\_\_\_\_

### **List of Attachments**

- Zoning map
- Aerial photo
- Letter from applicant dated November 13, 2015
- Plans for Development Permit Application with Variances No. 000447, dated November 13, 2015







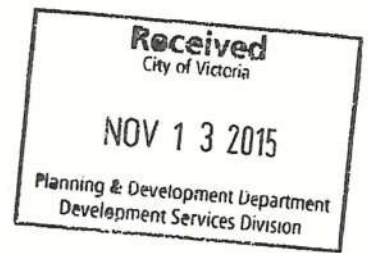
941 and 943 Fort Street  
Development Variance Permit #00165





Friday, November 13, 2015

Mayor and Council  
City of Victoria  
#1 Centennial Square  
Victoria BC



re : 941 & 943 Fort Street - DP Variance Application



de Hoog & Kierulf architects

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Dear Mayor and Council ;

We are writing to explain the application for variance for the retail suites located at 941 and 943 Fort Street.

The Zoning by-law permits Retail and related uses on the ground floor but restricts Office use within 6 metres of the storefront facing Fort Street.

One of the main tenants in the office building above is the office of the Ombudsperson. This office has been charged by the Provincial Government to conduct a special investigation which requires the hiring of additional staff and the establishment of a separate and secure investigation office. Locating this office within the vacant premises at 941 and 943 Fort Street will utilize existing resources and infrastructure that already exists in the offices above. This variance application is requesting a temporary relaxation of the restriction of Office use within the first 6 metres of the main floor space to allow this office to be established. The relaxation will be time-limited by means of a covenant limiting the relaxation to a three year term. Although it is not expected that the special investigation will take as long as that to be concluded it is difficult to predict the exact length of time it will take so the term has been set at three years to provide some flexibility in this regard.

A one stall variance is also being requested - the Office use requires 3 stalls and the existing retail space required 2. This will not create any issues as the existing parking lot is under-utilized and there is excess parking capacity available to be allocated to the Office users. Finally, the proposal includes the application of privacy film to the storefront windows to prevent any breach of privacy. The film will consist of large-scale high resolution graphic images of the former Neon Products building that previously occupied the site and the Menzies Plumbing building that was located at 911 Fort Street, similar to the historic image 'wraps' that are used on utility boxes in the neighbourhood.

We trust that Council will recognize the importance of co-locating this special investigation unit within the Fort street space, the significance of the public service this office has been tasked to provide, and the time sensitive nature of this application to allow this important work to begin.

Sincerely Yours,  
de Hoog & Kierulf architects

A handwritten signature in black ink, appearing to read "Charles Kierulf". The signature is written in a cursive, flowing style with a large, prominent "C" and "K".

Charles Kierulf architect AIBC MRAIC  
Principal



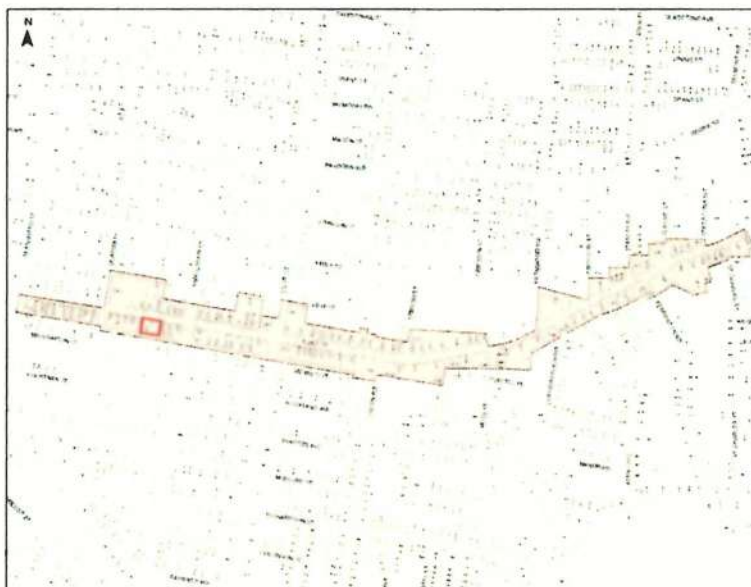


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## Development Permit with Variances Application for 941 to 943 Fort Street



## DPA 7B (HC) Corridors



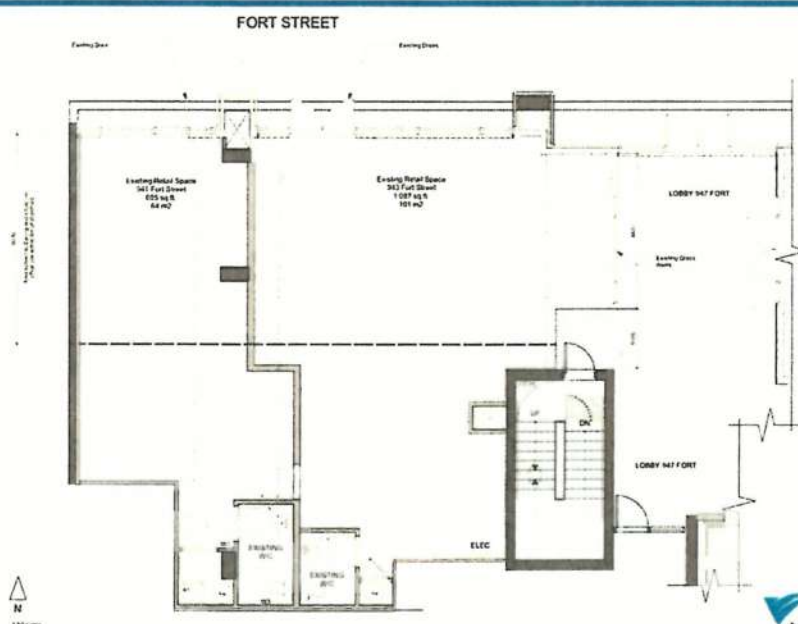
## Existing Site



## Neighbouring Properties

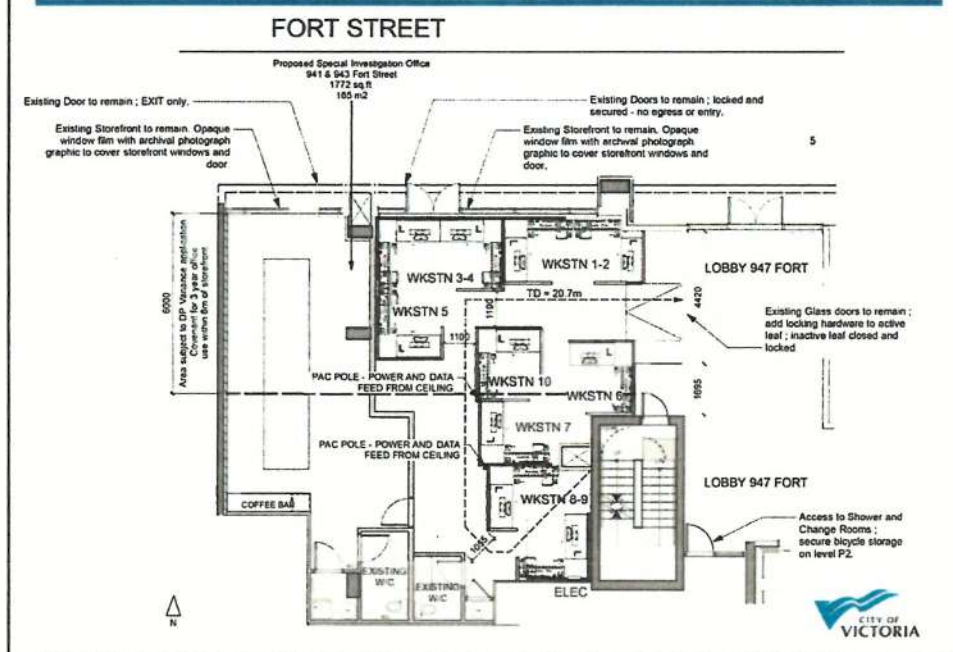


## Existing Site Plan





## Proposed Site Plan



## Existing Storefront



900 BLOCK FORT STREET - EXISTING CONTEXT



943 FORT STREET - EXISTING STOREFRONT



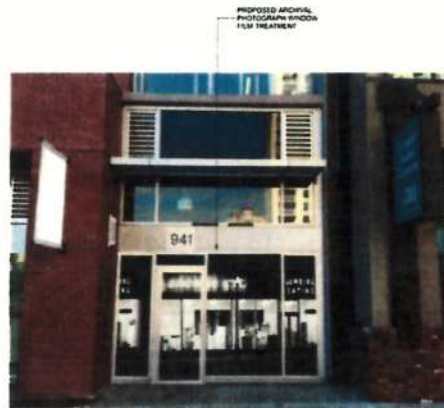
941 FORT STREET - EXISTING STOREFRONT



## Proposed Storefront



943 FORT STREET - PROPOSED STOREFRONT



941 FORT STREET - PROPOSED STOREFRONT